

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1712-02
Bill No.: HB 733
Subject: Boats and Watercraft
Type: Original
Date: February 23, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Water Patrol, Department of Revenue, Department of Natural Resources, Office of the State Public Defender, Office of Prosecution Services, Department of Health, and the Department of Conservation**, each assume this proposal would not fiscally impact their respective agencies.

In response to a similar proposal in the previous legislative session, MWP officials noted that although there was no fiscal impact to implement the proposal, there could be an impact for failure to enact the proposal. When the state's water safety laws do not conform to federal laws, the U. S. Department of Transportation - U. S. Coast Guard can withhold the U. S. Coast Guard Grant of approximately \$640,000 to the MWP.

Officials from **Office of the State Courts Administrator** state there may be a slight increase in the number of cases filed in some courts, however, they would not expect an overall impact on the budget of the judiciary.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2002	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Currently, the Director of the Department of Revenue is authorized to impose a penalty or cancel registration for failure to register a documented vessel or for selling a documented vessel without a certificate of registration. Under this proposal, a penalty or cancellation can apply to vessels documented prior to August 28, 1994, only if the person has received at least a 30-day notice that registration is required.

DESCRIPTION (continued)

The proposal requires canoes 16 or more feet in length to have at least one type I, II, III, or IV personal flotation device on board for each person. Watercraft 16 or more feet in length must have at least one type IV throwable personal flotation device. Watercraft less than 16 feet in length must have at least one type I, II, or III personal flotation device for each person on board and each person being towed who is not wearing one. Kayaks, sailboards, racing shells, racing canoes, racing kayaks, and rowing sculls are exempted from some of the flotation device requirements. Type V personal flotation devices may be carried in place of other devices required. Between October 15 and March 15 on the Missouri River, Mississippi River, Corps of Engineers lakes, Lake of the Ozarks, and Thomas Hill Lake, occupants of any vessel less than 18 feet in length are required to wear a type I, II, III, or V personal flotation device when the vessel is underway or has the motor running.

The chemical analysis of a person's urine may also be used to determine if a person's blood alcohol content is excessive in connection with operating watercraft.

A vessel operating within 100 feet of any other vessel or person in the water or within 100 feet of docks or piers on any lake or on waters of the Missouri or Mississippi rivers is restricted to a speed no greater than a slow-no wake speed.

Any time a watercraft, except personal watercraft, is pulling a person water skiing, tubing, or engaged in similar activity on Missouri lakes, the Missouri River, or the Mississippi River, the watercraft must display a red or orange flag.

No person may knowingly operate any watercraft within 100 feet of a flagged vessel at a speed in excess of a slow-no wake speed. Currently, a flag must be used whenever a person leaves a watercraft on waters of Missouri lakes, the Mississippi River, or the Missouri River between the hours of 11 a.m. and sunset; and operation around the watercraft is restricted to 50 yards.

Unsafe or reckless operation of a personal watercraft includes operating at a speed greater than slow-no wake within 100 feet of a vessel or any person in or on the water.

The Missouri State Water Patrol, with the consent of the Director of the Department of Public Safety, may temporarily close waters of the state to navigation or other use in response to natural disasters when navigation or use poses an unreasonable risk to individuals or property.

This proposal also removes the requirement that water patrol officers be bonded in the same manner as sheriffs.

The proposal also gives State Water Patrol officers arrest powers outside of their jurisdiction in

DESCRIPTION (continued)

certain circumstances.

The bill contains an emergency clause.

This legislation is federally mandated (Federal Code of Regulation - Title 46, Subtitle II, Chapter 43, Section 4306). It would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri Water Patrol
Department of Revenue
Department of Natural Resources
Department of Conservation
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Health



Jeanne Jarrett, CPA
Director

February 23, 2001